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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
CONSUMER SERVICES DIVISION**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Check Cashers and Sellers Act of Washington by:

NO. C-05-012-06-CO01

CHECK 'N GO OF WASHINGTON, INC., d/b/a
CHECK 'N GO ,
Respondent.

CONSENT ORDER

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Acting Division Director, Division of Consumer Services, and Check 'n Go of Washington, Inc. (Respondent) by and through its General Counsel, Stephen J. Schaller, and finding that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 31.45 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-05-012-06-SC01 (Statement of Charges) entered August 2, 2006, (copy attached hereto). Pursuant to chapter 31.45 RCW, the Check Cashers and Sellers Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve all allegations raised in the Statement of Charges.

Based upon the foregoing:

A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the activities discussed herein.

CONSENT ORDER
CHECK 'N GO OF WASHINGTON, INC.
C-05-012-06-CO01

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DEC 11 2006

DEPT. OF FINANCIAL INSTITUTIONS
OLYMPIA, WASHINGTON

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200

1 **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a hearing
2 before an administrative law judge, and that Respondent has waived the right to a hearing and any and all
3 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.
4 Accordingly, Respondent agrees to withdraw the application for hearing and to inform the Office of Administrative
5 Hearings in writing of the withdrawal.

6 **C. Fine.** It is AGREED that Respondent shall pay to the Department a fine of \$82,000, in the form of a
7 cashier's check made payable to the "Washington State Treasurer," upon entry of this order.

8 **D. Restitution.** It is AGREED that Respondent shall, within ninety (90) days of the date of entry of this
9 Consent Order, make restitution to consumers as specified immediately below and provide the Department with
10 written proof of such payments within one hundred and twenty (120) days of the date of entry of this Consent
11 Order in the amount of \$69,675.

12 If restitution cannot be made to any particular consumer, Respondent shall take the necessary steps to
13 escheat such funds to the State of Washington and provide the Department with written proof of such action. The
14 "written proof" at a minimum must consist of a signed affidavit from Candace Sheridan (Respondent's Director of
15 Compliance) attesting that she supervised Respondent's restitution efforts and verified that: (1) those consumers
16 listed in the affidavit received payment in the amount and on the date indicated, and as applicable, (2) Respondent
17 could not make restitution to those consumers listed in the affidavit, showing the amount due to each consumer,
18 describing the efforts taken by Respondent to make restitution to these consumers, and detailing the steps taken to
19 escheat the funds to the State of Washington. The Department may require Respondent to provide additional
20 proof of compliance with this provision, which may include but not be limited to copies of the front and back of
21 cancelled checks.

22 **E. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an investigation fee in
23 the amount of \$5796.84 in the form of a cashier's check made payable to the "Washington State Treasurer" upon
24 entry of this Consent Order.

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CONSENT ORDER
CHECK 'N GO OF WASHINGTON
C-05-012-06-CO01
DEPT. OF FINANCIAL INSTITUTIONS
OLYMPIA, WASHINGTON

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200

1 **F. Assurance of Discontinuance and Efforts Exerted by Respondent.** Respondent assures the
2 Department that Respondent discontinued all practices giving rise to the issuance of the Statement of Charges and
3 that Respondent has put controls in place to prevent their recurrence.

4 **G. Compliance with the Law.** It is AGREED that Respondent shall comply with the Check Cashers and
5 Sellers Act and the rules adopted thereunder when engaged in any activities subject to that statute.

6 **H. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to abide by
7 the terms and conditions of this Consent Order may result in further legal action by the Director. In the event of
8 such legal action, Respondent may be responsible to reimburse the Director for the cost incurred in pursuing
9 such action, including but not limited to, attorney fees.

10 **I. Authority to Execute Order.** It is AGREED that the undersigned Respondent's General Counsel,
11 Stephen J. Schaller, has represented and warranted that he has the full power and right to execute this Consent
12 Order on behalf of the Respondent.

13 **J. Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into
14 this Consent Order, which is effective when signed by the Director's designee.

15 **K. Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read this Consent
16 Order in its entirety and fully understands and agrees to all of the same.

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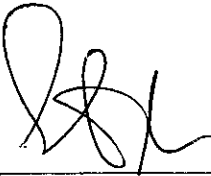
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22 DEC 11 2006

23 DEPT. OF FINANCIAL INSTITUTIONS
24 OLYMPIA, WASHINGTON

1 **RESPONDENT CHECK 'N GO OF WASHINGTON, INC.:**

2 By:

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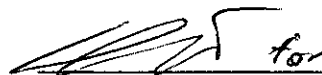
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5 Stephen J. Schaller
6 General Counsel, Check 'n Go of Washington, Inc.

12-08-06
Date

7
8
9 DO NOT WRITE BELOW THIS LINE

10
11 THIS ORDER ENTERED THIS 12th DAY OF December 2006.



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22 Deborah Bortner
23 Acting Director
24 Division of Consumer Services
25 Department of Financial Institutions

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DEPT. OF FINANCIAL INSTITUTIONS
OLYMPIA, WASHINGTON

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CONSENT ORDER
CHECK 'N GO OF WASHINGTON, INC.
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